



AF/2173
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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of: **Boehler et al.**

Serial No.: **10/038,167**

For: **'DIAGNOSTIC DEVICE WITH MOUSE-CONTROLLED SWITCHING AMONG DISPLAY CONTROL FUNCTIONS'**

Filed: **October 23, 2001**

Group Art Unit: **2173** Confirmation No.: **7809** Examiner: **Cuong T.Thai**

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

Applicant or patent owner hereby appeals to the Board of Patent Appeals and Interferences from the decision dated **March 24, 2005** of the Examiner finally rejecting **claims 1-5 and 7-9**.

The item(s) checked below are appropriate:

1. An extension of time to respond to the final rejection was obtained on for
2. An extension of time to respond to the rejection dated **March 24, 2005** for **one (1) month** so that the period is extended from **June 24, 2005** to **July 24, 2005** is hereby requested under 37 CFR 1.136.
3. Appeal fee amount: \$250.00 \$500.00 Extension of Time Fee \$120.00
 - a. Enclosed
 - b. Charge to Deposit Account No. 501519 (One additional copy of this Notice enclosed herewith).

Any deficiency or overpayment should be charged or credited to Deposit Account No. 501519. A duplicate copy of this sheet is enclosed.

07/19/2005 SFELEKE1 00000030 10038167

Signature (37 CFR 1.191(b)) Steven H. Noll (Reg. No. 28,982)

01 EC:1401
02 EC:1251

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120.00 OP

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on **July 15, 2005**.

Steven H. Noll

Name of Applicant's Attorney

Steven H. Noll

Signature

July 15, 2005

Date